

SB2824



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB2824

Introduced 1/24/2012, by Sen. Linda Holmes

SYNOPSIS AS INTRODUCED:

15 ILCS 405/10.05

from Ch. 15, par. 210.05

Amends the State Comptroller Act. Prohibits the Comptroller from making deductions from payments to be disbursed from the Child Support Enforcement Trust Fund. Effective immediately.

LRB097 14501 JDS 59356 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The State Comptroller Act is amended by changing
5 Section 10.05 as follows:

6 (15 ILCS 405/10.05) (from Ch. 15, par. 210.05)

7 Sec. 10.05. Deductions from warrants; statement of reason
8 for deduction. Whenever any person shall be entitled to a
9 warrant or other payment from the treasury or other funds held
10 by the State Treasurer, on any account, against whom there
11 shall be any account or claim in favor of the State or to the
12 United States upon certification by the Secretary of the
13 Treasury of the United States, or his or her delegate, pursuant
14 to a reciprocal offset agreement under subsection (i-1) of
15 Section 10 of the Illinois State Collection Act of 1986, then
16 due and payable, the Comptroller, upon notification thereof,
17 shall ascertain the amount due and payable to the State, or to
18 the United States, as aforesaid, and draw a warrant on the
19 treasury or on other funds held by the State Treasurer, stating
20 the amount for which the party was entitled to a warrant or
21 other payment, the amount deducted therefrom, and on what
22 account, and directing the payment of the balance; which
23 warrant or payment as so drawn shall be entered on the books of

1 the Treasurer, and such balance only shall be paid. The
2 Comptroller may deduct the entire amount due and payable to the
3 State or may deduct a portion of the amount due and payable to
4 the State in accordance with the request of the notifying
5 agency, and may deduct the entire amount due and payable to the
6 United States, or may deduct a portion of the amount due and
7 payable to the United States, in accordance with a reciprocal
8 offset agreement under subsection (i-1) of Section 10 of the
9 Illinois State Collection Act of 1986. No request from a
10 notifying agency or from the Secretary of the Treasury of the
11 United States for an amount to be deducted under this Section
12 from a wage or salary payment, or from a contractual payment to
13 an individual for personal services, shall exceed 25% of the
14 net amount of such payment. "Net amount" means that part of the
15 earnings of an individual remaining after deduction of any
16 amounts required by law to be withheld. For purposes of this
17 provision, wage, salary or other payments for personal services
18 shall not include final compensation payments for the value of
19 accrued vacation, overtime or sick leave. Whenever the
20 Comptroller draws a warrant or makes a payment involving a
21 deduction ordered under this Section, the Comptroller shall
22 notify the payee and the State agency that submitted the
23 voucher of the reason for the deduction and he or she shall
24 retain a record of such statement in his or her records. As
25 used in this Section, an "account or claim in favor of the
26 State" includes all amounts owing to "State agencies" as

1 defined in Section 7 of this Act. However, the Comptroller
2 shall not be required to accept accounts or claims owing to
3 funds not held by the State Treasurer, where such accounts or
4 claims do not exceed \$50, nor shall the Comptroller deduct from
5 funds held by the State Treasurer under the Senior Citizens and
6 Disabled Persons Property Tax Relief and Pharmaceutical
7 Assistance Act or for payments to institutions from the
8 Illinois Prepaid Tuition Trust Fund (unless the Trust Fund
9 moneys are used for child support). The Comptroller shall not
10 deduct from payments to be disbursed from the Child Support
11 Enforcement Trust Fund as provided for under Section 12-10.2 of
12 the Illinois Public Aid Code. The Comptroller and the
13 Department of Revenue shall enter into an interagency agreement
14 to establish responsibility, duties, and procedures relating
15 to deductions from lottery prizes awarded under Section 20.1 of
16 the Illinois Lottery Law. The Comptroller may enter into an
17 intergovernmental agreement with the Department of Revenue and
18 the Secretary of the Treasury of the United States, or his or
19 her delegate, to establish responsibilities, duties, and
20 procedures relating to reciprocal offset of delinquent State
21 and federal obligations pursuant to subsection (i-1) of Section
22 10 of the Illinois State Collection Act of 1986.

23 (Source: P.A. 97-269, eff. 1-1-12.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.